

**IN THE UNITED STATES DISTRICT COURT
FOR
THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

POWHATAN COUNTY SCHOOL BOARD,

Plaintiff,

v.

Case No: 3:24cv216

**JOHN AND KATHY HALVORSEN
As Parents and Next Friends
Of A.H.,**

and

KANDISE LUCAS,

Defendants.

NOTICE OF REMOVAL

Defendants John and Kathy Halvorsen, by and through their counsel and pursuant to §§1441 and 1446 of Title 28 of the United States Code, hereby remove this civil action, originally filed in state Court, to the United States District Court. The statement of the grounds for removal of this action is set forth in its below.

1. On March 1, 2024, Powhatan County School Board (hereinafter "PCSB"), filed a Complaint in the Circuit Court for the County of Powhatan as Case Number CL24-242 a copy of which is attached to this Notice. (Exhibit A).

2. On March 6, 2024, defendants John and Kathy Halvorsen were served with a summons and a copy of the Complaint. A copy of the proof of service and summons are attached. (Exhibit B).

3. The undersigned Attorney for defendants John and Kathy Halvorsen will represent that the named defendants in this matter consent to removal of this action from the Virginia trial court to the federal court. **Kandise Lucas, the other named defendant in this legal action is not represented by this counsel.**

4. The Notice of Removal is timely filed pursuant to 28 U.S.C. § 1446(b) and the defendants including Kandise Lucas agree to this removal action.

5. The plaintiff's Complaint alleges claims pursuant to the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400, et seq. and 34 C.F.R. Part 300; 8 V AC 20-81-10 et seq., in which it seeks to appeal in part, the January 3, 2024 decision (hereinafter "Decision") of the Administrative Hearing Officer in the case of A.H. (or "Student") and his parents, John and Kathy Halvorsen ("Parents") and seeks injunctive relief and attorneys fees to stop what it claims to be a clear pattern of vexatious legal process improperly brought to harass PCSB and needlessly increase its costs of litigation.

6. For these reasons, this Court has subject matter jurisdiction over this lawsuit. In addition, pursuant to Local Rule 3 and 28 U.S.C. § 1391, venue is proper in this division of the Court because the parties are residents of Powhatan County, Virginia and Henrico County, Virginia, and the facts and circumstances giving rise to this lawsuit occurred in Powhatan County, Virginia.

7. The defendants John and Kathy Halvorsen by counsel, will give written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).

WHEREFORE, defendants John and Kathy Halvorsen by counsel, pursuant to Sections 1441 and 1446 of Title 28 of the United States Code, hereby removes this civil action, originally filed in the Circuit Court for the County of Powhatan Virginia, Case Number CL24-242 to the

United States District Court for the Eastern District, and respectfully request that this action proceed in this Court as an action properly removed to it.

Respectfully submitted,
Kathy and John Halvorsen

By 
Counsel

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Counsel for Defendants: Kathy and John Halvorsen

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of March 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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